

absence of negligence, this is where the economic damages will come from.

SENATOR MAURSTAD: It does say that, but also in the first section it indicates when...

SENATOR BERNARD-STEVENS: Time.

SENATOR MAURSTAD: ...economic damages would be paid under the comparative negligent statutes that are cited.

SENATOR BERNARD-STEVENS: Senator Will.

SENATOR WILL: Thank you, Mr. Speaker, members of the body, I rise in support of Senator Lindsay's amendment. I think...I want to take a step back and address the bill in general for a moment, and I think if it is the fact that we are the only state that has a system that is this liberal in awarding damages to people that are injured as a result of police chases, then I don't think that's a bad thing at all because one of the...one of the main things that has been my focus since I've been in the Legislature is the fact that people that are injured ought to be made whole, and that means not just economic damages, but noneconomic damages as well. And the fact is it would be wonderful if we had individuals, and every individual that was involved in a police pursuit and was a fleeing driver, was covered by insurance or had resources that were able to reimburse an innocent third party that is injured by that...by that chase, but the fact is we don't. We simply don't. And there's a reason that we have strict liability in the area of tort, and that is that people that are hurt, through no fault of their own, in the end ought to be reimbursed from some source that had some participation in the event or the manufacturer of the product or the activity that hurt that individual. And that's what we have in place in current state law. If an individual is hurt, through no part of their own, as a result of the police chase, and in the end there is no one to recover from except the governmental entity, the individual should not be punished because that that's...that that is the case. They ought to be able to recover, they ought to be able to have their injuries taken care of, their economic damages taken care of, and all of the other types of damages that we typically reimburse individuals for after they are injured, taken care of. And whether that is by the fleeing party, which I think in most